

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Maurice Vereen,)	Civil Action No.: 5:21-cv-02122-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
R. Fife,)	
)	
Defendant.)	
_____)	

This matter is before the Court for review of the Report and Recommendation (“R & R”)¹ of United States Magistrate Judge Kaymani D. West who recommends granting the motion for default judgment [ECF No. 78] filed by Defendant R. Fife.² *See* ECF No. 87.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Neither party has filed objections to the R & R, and the time for doing so has expired.³ In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

² Defendant’s motion requests that this Court issue an Order of Judgment by Default, or in the alternative, dismiss this action with prejudice pursuant to Fed. R. Civ. P. 37(d). ECF No. 78.

³ Objections were due by November 13, 2022. *See* ECF Nos. 87 & 88.

(4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge's R & R [ECF No. 87], **GRANTS** Defendant's motion [ECF No. 78], and **DISMISSES** this action *with prejudice*.⁴

IT IS SO ORDERED.

Florence, South Carolina
November 14, 2022

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

⁴ The Court notes that although Defendant's motion is entitled "Motion for *Default Judgment*" (emphasis added), Defendant alternatively requests a dismissal with prejudice. As indicated by the discussion in the R & R, the Court is granting Defendant's motion pursuant to Fed. R. Civ. P. 37(d)(3) and (b)(2)(A)(v), which provide for dismissal of the action as a sanction for a party's failure to appear for a deposition. To be clear, the Court is not entering a default judgment.